

**REMARKS**

Reconsideration of the restriction requirement and allowance of the above-captioned patent application are respectfully requested. This application relates to geminally di-substituted NSAID derivatives as A $\beta$ 42 lowering agents.

Claims 1 to 5, 8, 11, 14, 16 to 23 and 29 to 32 are currently pending in the application. Claims 1 to 5, 8, 11, 14, 16 to 23 and 29 to 32 are subject to restriction and/or election requirement. The abstract has been objected to.

This amendment cancels Claims 1 to 5, 8, 11, 14, 16 to 19, 29 and 30 and adds new claims 33 to 42. Upon entry of this Amendment, claims in the application will be Claims 20, 21 and 31 to 42.

The Examiner has required restriction of Claims 1 to 5, 8, 11, 14, 16 to 23 and 29 to 32 and an election of one of Groups I to XXXIX as outlined in the Restriction Requirement dated December 11, 2006. Applicants hereby elect Group XXXIX: Claims 20, 21, 31 and 32, which have been rewritten in independent form. The claims pertaining to Groups I to XXXVIII have been canceled, thereby rendering the restriction requirement moot and as such the election is made without traverse. Applicants reserve the right to prosecute the canceled subject matter in one or more future divisional applications. Claims 1 to 5, 8, 11, 14, 16 to 19, 29 and 30 were canceled to advance prosecution of the subject application and their cancellation should not be construed as an admission that the restriction requirement was proper.

New Claims 33 to 42 are within Group XXXIX subject matter and thus do not raise any issues with respect to the restriction requirement.


To the extent the Examiner requires the election of a single species within the pending claims, Applicants hereby elect EXAMPLE 1.

Applicants have also amended the Abstract of the Disclosure to overcome the objection.

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Applicants respectfully request withdrawal of the requirement for restriction. Applicants submit that the application is in condition for allowance and passage thereto is earnestly requested. Any additional fees required in connection with this Response may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

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Date: January 9, 2007